

REMARKS

Applicant is in receipt of the Office Action mailed October 20, 2005. Claims 1, 4, 23, 33, 38, 52, 56, 65-70, and 74 have been amended. Claims 1-40 and 42-81 remain pending in this case. Reconsideration of the present case is earnestly requested in light of the following remarks.

Telephone Interview:

In a telephone interview with Examiner Burgess, Mark Williams, and Joel Stevens, on November 30, 2005, the Examiner indicated that the amendments listed above would move the case forward in prosecution. The Examiner further indicated that a new search would be required in light of the amendments.

As indicated above, various of the claims have been amended to clarify the scope of the invention, per the above-summarized telephone interview with the Examiner. Claims 65-68 have been amended to change the term “carrier medium” to “computer-accessible memory medium”, and to emphasize that the program instructions are executable by a processor. No new matter has been added.

Section 102 Rejections

As the Examiner is certainly aware, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant respectfully submits that Petite nowhere teaches or suggests “wherein the traditional instrument is coupled to the second device via an instrumentation bus, wherein an instrument driver is required by the second device to communicate with the traditional instrument, wherein the second device is not configured with the instrument

driver, wherein the traditional instrument does not include inherent Internet capabilities, and wherein the instrumentation bus is not the Internet". Furthermore, Petite nowhere teaches or suggests that the instrument driver is usable to communicate with and/or control a traditional instrument.

Applicant also respectfully submits that Petite nowhere teaches or suggests "the second device receiving an instrument driver downloaded directly from the network which is usable by the second device to communicate with the traditional instrument" as currently recited by claim 1.

The Examiner asserts that Petite teaches ". . .downloading an instrument driver for the first traditional instrument from another device to the first device via the network (column 2, lines 48-52, column 3, lines 20-29, column 6, lines 15-25, column 7, lines 41-45, column 10, lines 12-17, column 11, lines 14-17, 33-65, column 12, lines 4-12)" (*emphasis added*). However, the cited portions of Petite pertain to look-up tables. In 8:50-67, the lookup tables are described in this cited section as:

... a look up table that identifies, for example, the person assigned to carry that particular transmitter. Additional information about the person may also be provided within the lookup table, such as, a physical description, and/or any other information that may be deemed appropriate or useful under the circumstances or implementation of the particular system.

Lookup table 325 may be provided to assign a given and unique function code for each button pressed. For example, transmit button 327 may be assigned a first code to identify the party depressing the button...

Applicant respectfully submits that lookup tables are irrelevant with respect to instrument drivers, as argued in previous Response to Office Action on January 10, 2005. Applicant submits that instrument drivers are well understood in the art; instrument drivers are not lookup tables.

Thus, for at least the reasons provided above, Applicant submits that Petite fails to teach all the features and limitations of claim 1, and so Applicant submits that claim 1 and those claims dependent therefrom are patentably distinct and non-obvious over the cited art, and are thus allowable.

Claims 23, 33, 38, 45, 52, 56, 65, 68, 70, and 74 include similar limitations as claim 1, and so the above arguments apply with equal force to these claims. Thus, for at least the reasons provided above, Applicant submits that claims 23, 33, 38, 45, 52, 56, 65, 68, 70, and 74, and those claims respectively dependent therefrom, are patentably distinct and non-obvious, and are thus allowable.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-46100/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☒ Request for Continued Examination

Respectfully submitted,



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